

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION

**FILED**

MAY 11 2005

ARLEN B. COYLE, CLERK  
By 71 Smith Deputy

TRANSAMERICA LIFE INSURANCE  
AND ANNUITY COMPANY

PLAINTIFF

V.

CIVIL ACTION NO. 2:04CV190MA

RACHEL RILEY  
RACHAEL HEATHER U. FOSTER  
TARA J. UTZ  
MARGARET A. UTZ  
PRESLEY MCCAIN UTZ, a minor  
MARTHA R. FLY  
NANCY R. JUNKIN  
MATTHEW A. JUNKIN  
JIMMY P. UTZ, deceased  
RILEY BLAKE EDDINGTON, a minor

DEFENDANTS

**AGREED ORDER AUTHORIZING DISBURSEMENT OF INTERPLED FUNDS  
AND DISMISSING THIS CAUSE WITH PREJUDICE**

This cause came on for hearing on the Joint Motion *ore tenus* of all parties hereto seeking entry of this Agreed Order authorizing and directing the Clerk of this Court to disburse the funds previously interpled and paid into the registry of this Court by Transamerica Life Insurance and Annuity Company ["Transamerica"], and dismissing this cause with prejudice.

By their signatures below, the attorneys for the parties represent and confirm to the Court that all claims arising from and/or pertaining to Transamerica Occidental Life Insurance Company policy no. 6319876 and Transamerica Life and Annuity Company policies nos. 2302959 and 7382175, have been fully and finally settled, compromised and resolved.

Without limiting the foregoing, by their signatures below the attorneys for the named Defendants (other than Rachel Riley) and other potential parties in interest represent and confirm to the Court that they have waived, disclaimed, relinquished and abandoned any and all right, title and interest in and to the subject interpled funds and the Transamerica policies referenced above.

The Court having considered the Joint Motion, and being otherwise advised in the premises, finds that the Joint Motion is well taken and should be granted.

**IT IS THEREFORE ORDERED:**

1. The Clerk of this Court is hereby authorized and directed to disburse forthwith the funds interpled and paid into the registry of this Court by Transamerica on August 16, 2004, to wit, \$248,437.75, together with all interest accrued thereon, and to deliver the funds forthwith as set forth below.

2. The Clerk shall issue two separate checks and transmit them to Chapman, Lewis & Swan, Attorneys at Law, P.O. Box 428, Clarksdale, MS 38614, attn: Ralph E. Chapman, as follows:

A. \$ 16,816.81 to "Chapman, Lewis & Swan, Attorneys at Law."

This is the amount of reasonable attorneys fees and expenses to be paid by Rachel Riley to the law firm for legal services rendered and expenses advanced herein, pursuant to the applicable agreement between Riley and the law firm.

B. The balance of the interpled funds shall be paid to "Hartford Insurance Company, c/o Chapman, Lewis & Swan, Attorneys at Law."

3. The other Defendants' right, title and interest in and to the subject interpled funds and Transamerica policies referenced above is hereby deemed waived, disclaimed, relinquished and abandoned.

4. Upon the Clerk's transmittal of the interpled funds as set forth above, this cause shall be deemed dismissed with prejudice without necessity of entry of a further Order. This Order shall dismiss with prejudice all claims which have or might have been asserted by and among the parties herein, including but not limited to Rachel Riley's Counterclaim against Transamerica, and any and all Cross-Claims which have or might have been asserted by and among any of the Defendants herein.

5. Each party shall bear its own costs and attorneys fees herein.

SO ORDERED, THIS THE 6<sup>th</sup> DAY OF MAY, 2005.

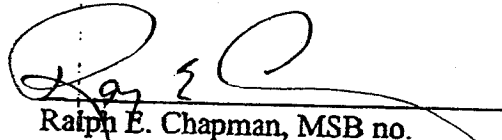
Michael P. O'Neil  
U.S.D.C. Judge

Order prepared and submitted by:

Joshua J. Wiener  
Joshua J. Wiener, MSB #7185  
Attorney for Transamerica

Transamerica Life and Annuity Company v. Rachel Riley et al.  
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Approved for entry by:

  
Ralph E. Chapman, MSB no.  
Attorney for Rachel Riley

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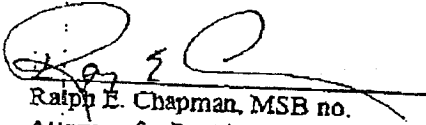
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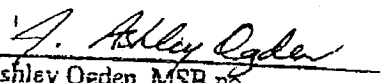
BUTLER SNOW ATTYS.

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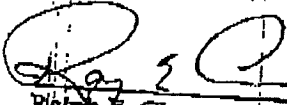
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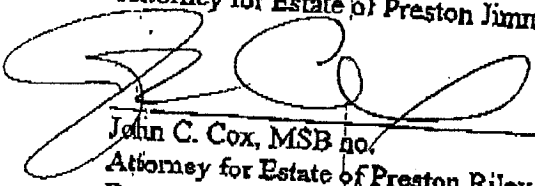
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Rk Date/Time

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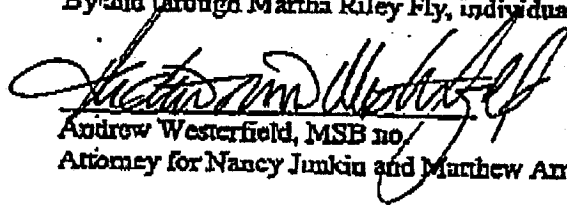
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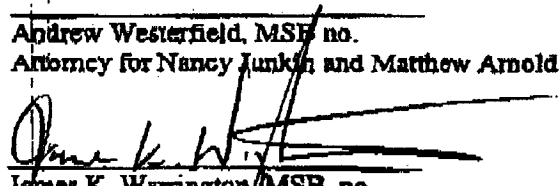
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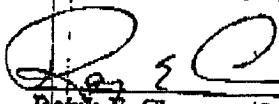
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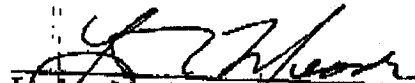
  
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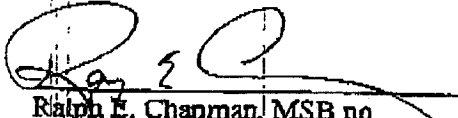
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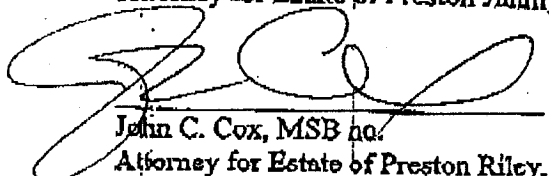
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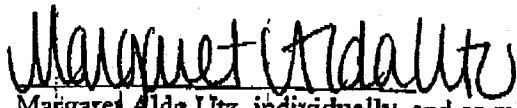
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